

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: COLLECTO, INC., TELEPHONE
CONSUMER PROTECTION ACT (TCPA)
LITIGATION

MDL No. 14-md-2513-RGS

PROCEDURAL ORDER

February 20, 2014

STEARNS, D.J.

1. This Order will govern the practice and procedure in the actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to its order of February 19, 2014, entitled In re: Collecto, Inc., Telephone Consumer Protection Act (TCPA) Litigation, and any tag-along actions transferred by the Panel after that date. This court will decide the applicability of this Order to any case filed as a related case, on motion of any party in any such case.

2. The actions subject to this Order are coordinated for pretrial purposes.

3. An MDL master file and docket has been established under Docket No. 1:14-md-2513-RGS. All pleadings and other papers filed in these actions will bear this docket number and the following caption:

In re: Collecto, Inc., Telephone Consumer Protection Act (TCPA) Litigation
This Document Relates To:

4. When a pleading or other paper relates to all actions covered by this Order, the words “All Member Actions” will appear immediately after or below the words “This Document Relates to:” in the caption. Filings related to “All Actions” will be made in the master docket. When a pleading or other paper relates to fewer than all of such actions, the separate caption and docket number assigned by the Clerk of this court for each individual action to which the pleading relates will appear immediately after or below the words ‘This Document Relates to:’ in the caption. Filings related to fewer than “All Actions” will be made in the master docket and each applicable individual action.

5. All pleadings and other papers will be filed electronically with the Clerk of this court, not the transferor court. The court requests that it receive courtesy copies in accordance to its standing order of May 19, 2008. All counsel will familiarize themselves with this District’s CM/ECF policies and procedures and file an Electronic Case Filing System-Attorney Registration Form (available on the Court’s website). In the MDL Case Number field on the ECF Registration Form, counsel will note both the master MDL case number and the individual Massachusetts case number in which they have an appearance.

6. Counsel who appeared in the transferor district court prior to the

transfer need not enter a separate appearance in this court. No parties in any of the transferred actions will be required to obtain local counsel in this district and the requirements of Local Rule 83.5.3(b) are waived as to any attorney who filed an appearance in a transferred action and is duly admitted to practice before any United States Court.

7. This Order will be filed and docketed on the Master Docket and the docket of each of the individual cases consolidated under the Master Docket Number, at present and hereafter.

8. Any orders, other than orders setting deadlines previously entered by this or any transferor district court, will remain in full force and effect unless modified by this court upon application. All deadlines established prior to transfer of these actions are suspended, other than deadlines imposed by the Federal Rules of Civil Procedure or the Local Rules of this court for responding to motions or other pleadings.

9. The court requests that, within twenty-one (21) days of this Order (by March 13, 2014), both plaintiffs and defendants submit proposed lead counsel to coordinate their respective pretrial proceedings before this court. Lead counsel will be responsible for coordinating and organizing the conduct of this litigation as to all claims and, in particular, will have the following responsibilities:

- a. To brief and argue motions and file opposing briefs in proceedings initiated by other parties;
- b. To initiate and conduct discovery proceedings;
- c. To act as spokespersons at pretrial conferences;
- d. To negotiate with opposing counsel with respect to settlement and other matters;
- e. To call meetings of counsel when appropriate;
- f. To make all work assignments to counsel to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort;
- g. To assure that all counsel are kept informed of the progress of this litigation as necessary;
- h. To conduct trial and post-trial proceedings;
- i. To consult with and employ experts; and
- j. To perform such other duties and undertake such other responsibilities as the court may deem necessary or desirable.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE